

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Police Department – Request of Sri. K.Ravindra, Ex-PC 1083 of 13th Bn, APSP(IR) Gudipet, Adilabad District, for reconsideration of his case for reinstatement by relaxation of rule relating to requisite height - Reconsidered and rejected – Orders - Issued.

HOME (SERVICES-II) DEPARTMENT

G.O.Ms.No.252

Dated: 13 -5-2009

Read the following:

1. Orders of Hon'ble Tribunal in O.A.No.3869/2007, dated:12-6-2008.
2. Representation of Sri K.Ravindra, Ex-PC 1083 of 13th Bn, APSP(IR) Gudipet, Adilabad District, dated:28-6-2008.
3. From the Chairman, SLPRB, A.P. Hyderabad, Letter Rc.No.597/R&T/Admn.2/2007, dated: 24-10-2008.

ORDER:

Sri. K.Ravindra, Ex-PC 1083 of 13th Bn, APSP(IR) Gudipet, Adilabad District, was removed from the service, on the ground of not possessing requisite height. As special rules governing appointment to the post of Police Constable issued vide G.O.Ms. No. 315, Home(Police) Department, dated: 13-10-1999, prescribed a minimum height of 167.6 cms., but he is found to have 165.3 cms., of height, which is less than the prescribed height for recruitment as Police Constable.

2. The Hon'ble APAT, Hyderabad, in its judgment dated:12-6-2008, in the reference 1st read above, directed Sri. K.Ravindra, Ex-PC 1083 of 13th Bn, APSP(IR) Gudipet, Adilabad District, to make a representation to the respondents viz. Commandant, 13th Bn, APSP(IR), Gudipet, Adilabad District; the DIG of Police, APSP Bn, Yousufguda, Hyderabad; the Director General of Police, AP, Hyderabad; the Chairman, SLPRB, AP, Hyderabad; and the Government of Andhra Pradesh represented by the Principal Secretary to Government, Home Department, AP Secretariat, Hyderabad, within a period of one month, and that the respondents to reconsider the said representation for reinstatement by relaxation of the requisite rule as far as his height is concerned and dispose it off within a period of three months thereafter.

3. Sri. K.Ravindra, Ex-PC 1083 of 13th Bn, APSP(IR) Gudipet, Adilabad District, has submitted a representation to the Commandant, 13th Bn, APSP (IR), Gudipet, Adilabad District, for reconsideration of his request for reinstatement by relaxation of relating to the minimum height, as per the orders of Hon'ble APAT, in the reference 1st read above.

4. The Chairman, SLPRB, Hyderabad, in the reference 3rd read above, has forwarded the representation dated:28-6-2008 of Sri. K.Ravindra, Ex PC of APSP, 13th Bn and requested the Government to issue necessary orders in the matter.

5. Government have re-considered the entire matter with reference to number of judgments rendered by the Hon'ble Supreme Court of India and other High Courts in which the appointment of persons to the post where they do not possess minimum qualifications, and one among such decisions are taken by the Hon'ble Supreme Court in District Collector Vs Tripurasundari Devi, 1990(3) SCC 655 case, where in it was held that when an advertisement mentions a particular qualification and an even appointment is made in disregard of the same. Relaxation of the prescribed requirement in the case of one individual may cause injustice to other. The Hon'ble Supreme Court, in the case of Union of India Vs Ravi Shankar (AIR 1998 SC 2810), held that a person not possessing the requisite qualification under the recruitment rules cannot have any right of appointment and similar view has been taken in AIR 1998 SC 1289. The Allahabad High Court in case of 2002(8) SLR. 188 held that if a candidate is unable to meet the minimum physical standards he has to be held to be unqualified.

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6. After careful re-examination of the proposal of the Chairman, SLPRB, Hyderabad, with reference to the orders of Hon'ble APAT, Hyderabad, in O.A.No.3869/2007, dated:12-6-2008, and judgments quoted by the Hon'ble Supreme Court of India and the Hon'ble Allahabad High Court, Government hereby reject the request of Sri. K.Ravindra, Ex-PC 1083 of 13th Bn, APSP (IR) Gudipet, Adilabad District, for reinstatement into service by relaxation of rule, as the individual does not possess the requisite qualification in height, prescribed in G.O.Ms.No. 315, Home(Police) Department, dated: 13-10-1999.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, A.P., Hyderabad
The individual concerned through D.G.P., Hyderabad
Copy to:
The Government Pleader for Home(S), APAT, Hyderabad.

// FORWARDED:: BY ORDER //

SECTION OFFICER